

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION NO. 6801 of 2014

Krushna Jagannath Dalvi.

.. Petitioner

Vs.

M/s Philips India Ltd.

.. Respondent

Mr.Ravindra Nair a/w Mr.Rahul Oak, for the Petitioner.

Ms.N.R.Patankar a/w Mr.VP.Sawant, for the Respondent.

CORAM: N.M.Jamdar, J.

Monday 23 November, 2015

PC. :

By this petition the petitioner challenges the order passed by Labour Court, Thane as Part I Award holding that the enquiry conducted is fair and proper in accordance with the principles of natural justice and the findings of the Enquiry Officer are not perverse.

2. The order holding that the inquiry is fair and proper and findings are not perverse was passed on 15 September 2008. Thereafter the reference proceeded and by order dated 28 November 2011, the Labour Court after due reasoning answered the Reference in negative. This order dated 28 November 2011 answering the Reference in negative was challenged by the Petitioner by Writ petition No.11358 of 2012. This Court recorded that the Petitioner was absent for 199 days during the period

January 1996 to November 1996 and again from November 1996 to April 1997 for which the Petitioner failed to offer explanation and also observed that the inquiry was held to be fair and proper. The petition was accordingly dismissed by order dated 16 September 2013. It is after the dismissal of this petition that the present petition is filed challenging Part I award. Having challenged the main order and disposing of the reference in which it appears that the arguments were also advanced in respect of the fairness of the inquiry, it is not open to the Petitioner at this stage to challenge Part I award without any explanation whatsoever. The Writ petition in these circumstances cannot be entertained at this belated stage. Writ petition is accordingly **rejected**.

(N.M.Jamdar, J.)